



Serious Incident Policy

Policy Number: PP 5-0

Effective Date: February 1, 2018

Approved By: Roger L. Stancil, Town Manager

- [POLICY](#)
- [PURPOSE](#)
- [RESPECT VALUES](#)
- [PROCEDURES](#)
- [ADDITIONAL CONTACTS](#)
- [FORMS & INSTRUCTIONS](#)
- [POLICY HISTORY](#)
- [RESPONSIBILITIES](#)
- [RELATED INFORMATION](#)

POLICY

The Town is committed to providing a well- functioning workplace that is free of discrimination, harassment, retaliation, violence, and serious safety issues. Our goal is to eliminate these serious incidents from our workplace. All employees are expected to promptly report such incidents. The Town will investigate these incidents and take all necessary actions to maintain a healthy and productive workplace.

PURPOSE

Respect for each other is a basic value and the foundation for creating a better place to work. How we handle certain serious and sensitive issues is critical to maintaining a healthy and productive workplace. When the workplace is free of serious incidents, employees can work to their full potential in an environment that supports their well-being.

R.E.S.P.E.C.T. VALUES



Safety: We strive to maintain our own mental and physical well-being and the well-being of those around us. We are dedicated to a work environment that minimizes risk of injury or accident. We are also dedicated to an environment that provides for honest and courteous discussion of workplace issues without fear of repercussion.



Professionalism: We are committed to the excellence and accountability of our own performance as well as the performance of the organization. We carry out our jobs efficiently and effectively, are open to feedback about our performance and show a willingness to learn.



Ethics: We conduct ourselves in a way that is consistent with and deserving of the level of trust that has been placed in us by the community members of Chapel Hill.

APPROVAL

Roger L. Stancil, Town Manager



Serious Incident Procedures

Policy Number: PP 5-0

Effective Date: February 1, 2018

Approved By: Cliff Turner, Human Resources Development Director

PROCEDURES

The Director of Human Resource Development is authorized to issue procedures consistent with the Serious Incident Policy. These procedures implement the Serious Incident Policy, PP 5-1, issued by the Town Manager. These procedures may be periodically updated. These procedures cover all employees of the Town of Chapel Hill.

Serious Incidents include, but are not limited to, the following:

1. Incidents which violate the [Equal Employment Opportunity Act](#) and related laws
2. Incidents which violate Town Ordinances protecting affectional preference, gender identity, marital status, or gender expression ([Code of Ordinances Section 14-09](#))
3. Workplace violence
4. Sexual Harassment
5. Unlawful Workplace Harassment
6. Safety Violations

Please refer to the DEFINITIONS section of these procedures for more information. Please contact a member of Human Resource Development (HRD) or any supervisor if you have any questions about serious incidents or wish to report any behavior that may be a serious incident.

A. Complaint and Investigatory Process:

1. Duty to Report: An employee or applicant who witnesses an alleged serious, who is the victim of an alleged serious incident, or who has knowledge of an alleged serious incident must immediately report the violation to any supervisor, Department Head, and/or to any Human Resource Development staff member. Complaints may be filed verbally or in writing.
2. Duty to Cooperate: All employees, as a condition of their employment with the Town, must fully cooperate with any serious incident investigation. Failure to do so may result in disciplinary action.
3. Report to Department Head and HRD: Supervisors are obligated to report such incidents immediately to their Department Head and to Human Resource Development. Report to Town Manager; The Department Head must promptly notify the Town Manager when a Serious Incident is reported.
4. Report to Town Manager: The Department Head must promptly notify the Town Manager when a Serious Incident is reported.

5. Investigation: The Town Manager makes the final determination about how a serious incident is investigated. Investigations may be handled by internal staff or by outside entities. Allegations of a serious incident are promptly investigated. Investigations will remain confidential to the extent allowed by law. Investigations may include, but are not limited to:

- a) Questioning the parties and other witnesses
- b) Reviewing documents and emails
- c) Reviewing tapes
- d) Reviewing the contents of computers, laptops, desks, cell phones, lockers, notebooks and other work area items.
- e) The use of polygraphs
- f) Reviewing the content of personal electronic devices such as tablets, computers and cellphones.
- g) Requiring the surrender of personal electronic devices if necessary to review their contents or preserve evidence.

6. Administrative Leave and/or Reassignment: An employee who is alleged to have committed a serious incident may be

- a) Placed on administrative leave with or without pay
- b) Reassigned to another work area or work assignment while the investigation is being conducted.

7. False or Malicious Reporting: Filing groundless or malicious complaints is an abuse of this policy and shall be considered detrimental personal conduct. Persons filing false or malicious complaints will be subject to disciplinary action in accordance with the Town's personnel policies and procedures.

B. Actions Taken after Investigation:

1. Employee Notification: The complainant and the respondent will both be notified when the investigation is complete. Other parties with reasonable need to know, such as a Department Head or Town Manager, will also be notified.
2. If Allegations are Corroborated: If the allegations are corroborated, then appropriate disciplinary action, up to and including termination, will be taken against the offending employee in accordance with the Town's Disciplinary Policy PP 5-3. The information regarding the specific disciplinary actions taken are handled according to the provisions of [North Carolina GS 160-168A Privacy of Employee Personnel Records](#).
3. If Allegations are not Corroborated: Even if allegations are not corroborated, the Department Head and/or HRD may require, at their discretion, that employees receive training, coaching, or other assistance designed to reinforce the Town's Serious Incident Policy and help employees clearly understand what behaviors constitute a violation of this policy.

PROCEDURES
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C. Complainant Recourse:

1. Protection from Retaliation: An employee or applicant who makes a complaint about an alleged serious incident is protected from retaliation under federal and state laws, as well as the Town's own policies. An employee should promptly report any alleged retaliatory behavior.
2. Dissatisfaction with Outcome: A complaining employee who is not satisfied with the outcome of a Serious Incident investigation can access the Dispute Resolution process outlined in the Town's Dispute Resolution Policy, PP 5-4.

D. Respondent Recourse:

1. Grievance: Any serious disciplinary action taken against an employee as the result of this policy can be grieved under the provisions of the Town's Grievance Policy PP 5-2.

E. Prevention Strategies: The Town shall develop strategies to prevent serious incidents in the workplace. These strategies may include, but are not limited to:

- a) Commitment throughout the Town to prohibit unlawful workplace harassment, discrimination and retaliation
- b) Ongoing mandatory EEO training for all employees
- c) Regular review with Managers of the Town's recruitment and selection strategies
- d) Diversity and Awareness Training

F. Alternative Legal Remedies: Nothing in this policy prevents the complainant from pursuing formal legal remedies or resolution through the appropriate state and federal agencies or the courts during the investigative period.

G. Equal Employment Opportunity: Filing an EEOC charge during the dispute resolution or grievance process terminates the process and leaves the last decision or action taken on the grievance as the final decision or action of the Town.

FORMS/INSTRUCTIONS

None

PROCEDURES
APPROVED BY

Cliff Turner, Human Resources Development Director



ADDITIONAL
CONTACTS

Human Resource Development 919-968-2700 or HR@townofchapelhill.org
Ombuds office 919-265-0806 or Ombuds@townofchapelhill.org
Employee Assistance Program 1-800-326-3864

DEFINITIONS

The Town complies with all Equal Employment Opportunity (EEO) rules and regulations. The Town's Code of Ordinances, Section 14-09, extends protection beyond those required by EEO to include gender identity, gender expression, affectional preference, and marital status.

A. Complainant: the person who is reporting a serious incident or the person to whom the incident is directed.

B. [Equal Employment Opportunity Commission \(EEOC\)](#): The U.S. Equal Employment Opportunity Commission (EEOC) is responsible for enforcing federal laws that make it illegal to discriminate against a job applicant or an employee because of the person's race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information. It is also illegal to discriminate against a person because the person complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit.

C. [Code of Ordinances: Adopted by the Town of Chapel Hill, Section 14-09](#) extends protection beyond the federal laws to include gender identity, gender expression, affectional preference, and marital status. Although these characteristics are not protected under federal EEOC laws, Town policy prohibits unlawful workplace harassment due to these personal characteristics.

D. Discrimination: treating someone (an applicant or employee) unfavorably because of personal characteristics protected under the provisions of the Equal Employment Opportunity Act. The Town extends these protections to include affectional preference and gender identity. More information about the types of protected personal characteristics can be found at the [Equal Employment Opportunity website](#).

D. Harassment: Conduct that demonstrates hostility or derision toward another person or group of persons on the basis of age, sex, race, color, religion, disability, or national origin. Harassment may include conduct between supervisors and employees, between employees, and by members of the public toward employees. Harassing behavior by employees toward the public is considered a form of detrimental personal conduct.

Harassment in the workplace has the purpose or effect of:

- a) adversely affecting employment opportunities or conditions of employment or
- b) unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment

Examples include (but are not limited to):

- a) use of abusive or derogatory racial, age or gender-based terms, or such terms based on national origins, religion, affectional preference or disabling conditions
- b) unfair assignment of work on the basis of race or gender stereotypes rather than job class or skill/ability level
- c) displaying objects or pictures in the workplace that demonstrate hostility or a derogatory attitude toward members of protected groups
- d) threatening or intimidating actions
- e) jokes which are offensive to a person's age, sex, race, color, religion, disability, national origin, affectional preference, gender identity, gender expression, or marital status, and are continued after the offended person has made his feelings known or

DEFINITIONS CONT.

f) any abusive/unfair treatment of a person based on his or her age, gender, race, disability, religion, national origin, affectional preference, gender identity, gender expression, or marital status.

E. **Respondent:** The person who is alleged to have engaged in a serious incident.

F. **Retaliation:** is any adverse action taken against an individual for reporting a serious incident; testifying or participating in any way in an investigation, proceeding, or lawsuit related to a serious incident, or because of opposition to employment practices in violation of the unlawful workplace harassment policy.

G. **Serious Incidents:** include, but are not limited to, the following:

7. Incidents which violate the Equal Employment Opportunity Act and related laws
8. Incidents which violate Town Ordinances protecting affectional preference, gender identity, marital status, or gender expression (Code of Ordinances Section 14-09)
9. Workplace violence
10. Sexual Harassment
11. Unlawful Workplace Harassment
12. Safety violations

Please contact a member of Human Resource Development (HRD) or any supervisor if you have any questions about serious incidents or wish to report any behavior that may be a serious incident.

H. **Sexual Harassment:** Sexual harassment includes harassment as defined above. In addition, sexual harassment is any unwelcome sexual advance, request for sexual favors or other written, verbal or physical conduct of a sexual nature when:

- a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- b) submission to or rejection of such conduct by an individual is used as the basis for, or a factor in, decisions affecting that individual's employment;
- c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment can be of a female by a male, a male by a female or it may be same sex harassment. Examples include (but are not limited to):

- a) unwelcome touching, hugging, kissing or patting,
- b) unwelcome flirtatious or sexually suggestive comments, e-mails, notes, letters or other communications
- c) threatening negative employment actions on the basis of denying sexual favors, or promising positive actions if favors are granted,
- d) pressure for dates, or sexual favors,
- e) displaying objects or pictures in the workplace that are sexually suggestive or

DEFINITIONS
CONT.

f) unwelcome sex-oriented verbal kidding, teasing, and jokes.

I. **Unlawful Workplace Harassment:** Unsolicited and unwelcomed speech or conduct based upon race, sex, religion, national origin, age, color disability, genetic information where

a) Enduring the offensive conduct becomes a condition of continued employment or

b) The conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

J. **Workplace Violence:** any act or threat of physical violence, harassment, intimidation, or other threatening disruptive behavior that occurs at the work site. It ranges from threats and verbal abuse to physical assaults and even homicide. It can affect and involve employees, clients, customers and visitors. ([source: OSHA.gov](https://www.osha.gov))

RESPONSIBILITIES

All Employees are expected to:

a) For harassment, discrimination, or retaliation cases, immediately inform your division and / or department director; encourage the person with the complaint to file a formal complaint or to contact the Human Resource Development department for assistance

b) For potential workplace violence cases, contact your division and department director; for suspicion of imminent violence, contact the Police through 911

c) For safety violations or concerns, contact your immediate supervisor, your departmental safety representative and / or the Town Safety Officer for assistance; immediately take action to restore safe conditions

d) Participate in administrative investigations when requested

e) Keep information that is shared with an investigator confidential

All Department Directors are expected to:

a) Take any immediate remedial action required to restore the workplace

b) Immediately notify the Town Manager, Deputy Manager or Assistant Manager and the Director of Human Resource Development of suspicions, allegations, or actual serious incidents

c) Support or conduct an investigation at the Town Manager's direction

d) Provide training for personnel on the procedures for handling serious incidents and maintaining a healthy and productive workplace

e) Support their supervisors/managers in providing ongoing guidance about what constitutes inappropriate workplace behaviors or serious incidents

f) Assure that allegations serious incidents are promptly investigated

g) Assure that employee receive ongoing training and information about serious incidents

RESPONSIBILITIES
CONT.

- h) Refrain from any harassment, retaliation, or discrimination in workplace behaviors, operations or decisions.
 - i) Make hiring, promotional, and work assignment decisions based on employee skills, abilities, competencies and performance, not on personal characteristics that are protected under this policy.
- All Human Resource Development staff members are expected to:**
- a) Assure that allegations of serious incidents are thoroughly and promptly investigated, working in consultation with Risk Management when the incident involves a safety concern.
 - b) Protect the confidentiality of all employees to the extent required by law
 - c) Develop education and other strategies to prevent serious incidents and assist departments in this process.
 - d) Assure that hiring, promotional, and work assignment decisions are based on knowledge, skills, and abilities; not on personal characteristics that are protected under this policy.

RELATED
INFORMATION

- [Town of Chapel Hill Code of Ordinances Section 14-09](#)
- [Serious Incident Policy Guidance](#)
- [Grievance Policy PP 5-2](#)
- [Disciplinary Policy PP 5-3](#)
- [Equal Employment Opportunity Commission](#)

POLICY
HISTORY

Adopted September 2001 (expanded from original Sexual Harassment Policy and practices
Revised and reissued February 1, 2018 using [Serious Incident Policy Guidance](#) issued November 9, 2007.

This policy replaces and supersedes any previous Town policies, departmental policies, handbooks, or unwritten policies or practices covering the same subject. Departmental policies in compliance with this policy are referenced in Section XI Related Information. In the event of any disparity between this policy and the Town’s Code of Ordinances and/or applicable local, state, or federal laws, the Town’s Ordinance and/or applicable laws shall prevail.

To: All Town Employees
From: Roger L. Stancil, Town Manager
Date: November 9, 2007
Subject: Handling serious incidents: harassment, discrimination, safety

I have been seeking to renew our organization as a values-based, customer-focused learning organization. Clearly stated values require clearly stated expectations of behavior. This memorandum is a statement of expectations of how we will handle serious incidents when you encounter them in our workplace. Meeting those expectations will build a shared trust that we take our values seriously.

Respect for each other is a basic value and the foundation for creating a better place to work. How we handle certain serious and sensitive issues – such as sexual or other types of harassment, discrimination and major safety hazards – reflects our commitment to respect each other and directly affects the quality of our workplace. Handling them effectively is critical to maintaining a healthy and productive workplace, free of discrimination and safety problems. This contributes to retaining satisfied employees who provide quality services to the citizens of our Town. Handling such issues promptly and appropriately also minimizes potential Town liability.

Building an atmosphere of respect and a better workplace is a responsibility we all share. To that end, I am now charging every Town employee with responsibility to help us handle these issues effectively and quickly. **The procedures in this memo apply to handling all suspicions, allegations or incidents of harassment, discrimination, workplace violence, other safety violations, and any other serious incidents that may arise.**

All employees are expected to understand and comply with this memorandum and the procedures outlined on the back of this memorandum. All employees are required to cooperate fully with confidential administrative investigations regarding these matters. Employees who fail to comply with these procedures or fail to cooperate with resulting investigations will be subject to disciplinary action. All employees involved in serious incidents will be informed of the status and outcome of investigations at an appropriate time and in accordance with personnel policies.

Department directors will inform all employees, supervisors and managers of these procedures. Directors will post copies of this memo in prominent areas and include it in any policy discussions and publications. Soon, we will conduct department meetings that will provide more information and training regarding harassment, discrimination, violence and safety in the work place. I look forward to your participation and cooperation in helping renew our organization's commitment to a values-based, customer focused learning organization.



MEMORANDUM

MANAGER'S OFFICE
Town of Chapel Hill
405 Martin Luther King Jr. Blvd.
Chapel Hill, NC 27514

phone (919) 968-2743 *fax* (919) 969-2063
www.townofchapelhill.org

Serious Incident Procedure

Our goal is to eliminate serious incidents (harassment, discrimination, violence and major safety hazards) in our workplace. Every employee has a responsibility to help us achieve our goal. Responsibilities and expectations for handling suspicions, allegations or actual serious incidents are outlined below:

Employees' Responsibilities:

- For **harassment or discrimination** cases, immediately inform your division and/or department director; encourage the person with the complaint to file a formal grievance or to contact the Human Resource Development department for assistance.
- For potential **workplace violence** cases, contact your division and department director; for suspicion of imminent violence, contact the Police through 911.
- For **safety violations or concerns**, contact your immediate supervisor, your departmental safety representative and/or the Town Safety Officer for assistance; immediately take action to restore safe conditions.
- Participate in administrative investigations when requested.
- Keep information that is shared with an investigator confidential.

Division and Department Directors' Responsibilities:

- Take any immediate remedial action required to restore the workplace.
- Immediately notify the Town Manager, Deputy Manager or Assistant Manager and the Director of Human Resource Development of suspicions, allegations, or actual serious incidents.
- Support or conduct an investigation at the Town Manager's direction.
- Provide training for personnel on the procedures for handling serious incidents and maintaining a healthy and productive workplace.

Town Manager's Responsibilities:

- Arrange for a prompt and thorough investigation. The facts developed in that investigation will determine the actions we take.
 - Dedicate whatever resources are necessary to thoroughly and promptly address the situation.
 - Facilitate review of procedures and policy after the incident is resolved to learn from the incident and revise expectations and Policy as appropriate.
- If you have any questions regarding these procedures, please contact your department director or the Human Resource Development department at any time.